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APPLICATION NO. FILING	G DATE	FIRS	ST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,084 12/2:	3/2004		Heiji Watanabe	Q85504	7332
23373 7590 SUGHRUE MION, PLLC	01/11/2007	EXAMINER			
2100 PENNSYLVANIA AVENUE, N.W.				CHIU, TSZ K	
SUITE 800 WASHINGTON, DC 20037			ART UNIT	PAPER NUMBER	
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SHORTENED STATUTORY PERIOD OF	RESPONSE		MAIL DATE	DELIVER	Y MODE
31 DAVS 01/11/2007		01/11/2007	· PA	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary    10519,084		Application No.	Applicant(s)			
Task N. Chiu		10/519,084	WATANABE ET AL.			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Estamoso of terminary be available under the provisions of 37 CFR 1.136(). In covernt howers, may reply be timely filled.  If NO period for reply is pacelled above, the measurem statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication.  Feature to reply within the set or extended period for reply its patablec, used as applicable to be communication.  Feature to reply within the set or extended period for reply its patablec, used as applicable to be communication.  Feature to reply within the set or extended period for reply its patablec, used as applicable to the communication.  Feature to reply within the set or extended period for reply its patablec, used as applicable to the communication.  Feature to reply within the set or extended period for reply its patablec, used as applicable to the communication.  Feature to reply within the set or extended period for reply its patablec, used as applicable to the communication.  Feature to reply within the set or extended period for reply its patablec, used as application is described and the patable to the communication.  Feature to reply within the set or extended period for reply its patablec, used as application is non-final.  Shall be above claim(s) is large pending in the application.  4a) Of the above claim(s) is/are allowed.  6b) Claim(s) is/are allowed.  6c) Claim(s) is/are objected to.  7b) Claim(s) is/are objected to by the Examiner.  10b) The drawing(s) filed on is/are; a) accepted or b) objected to by the Examiner.  Application Papers  9c) The specification is objected to by the Examiner.  10c) The drawing(s) filed on is/are; a) accepted or b) objected to by the Examiner.  10c) The drawing(s) filed on is/are; a) accepted or b) objected to b	Office Action Summary	Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exercisions of inner may be available under the protections of 37 CPR 1-136(a), in no event, however, may a risely be timely filled.  - Exercisions of inner may be available under the protections of 37 CPR 1-136(a), in no event, however, may a risely be timely filled.  - If No period to reply is specified above, the maximum statutory period will apply and will expire (50) MONTHS from the mailing agts of this communication.  - Failure to reply whith the set or extended period for reply will, by statution, example and in the mailing agts of this communication, even if timely filled, may reduce any secure part term septations.  - Santus  1) M Responsive to communication(s) filled on 23 December 2004.  2a) This action is FINAL.  - 2b) This action is FINAL.  - 2b) This action is FINAL.  - 2b) This action is filled by the security of the period of the period of the period of the period of the communication, even if timely filled, may reduce any security and the period part term septation is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 Is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5 In claim(s) is/are allowed.  - Claim(s) is/are rejected.  - Claim(s) is/are rejected.  - Claim(s) is/are objected to by the Examiner.  10) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CPR 1.85(a).  Replacement drawing shee(s) including the correction is required if the drawing(s) be ploted to See 37 CPR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Offic		Tsz K. Chiu	2822			
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNCATION.  Extensions of sime may be available under the provisions of 3°CFR 1.138(a). In a event, however, may a reply be simely filed after StX (e) MCM*HS from the mailing date of this communication.  Failur to reply which his star of excented period for reply with by statiots, case the application to become ABANDONED, 53 U. Sc. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any seared patter time adjustment. Sea 7 CFR 1.794(a).  Status  1) □ Responsive to communication(s) filed on 23 December 2004.  2a) □ This action is FINAL.  2b) □ This action is finAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1.22 is/are pending in the application.  4) ○ The above claim(s) is/are allowed.  4) □ Claim(s) is/are allowed.  5) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are allowed.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) so objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ Claim(s) □ some * c) □ None of:  1. □ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attache		ears on the cover sheet with the	correspondence address			
1) Responsive to communication(s) filed on 23 December 2004. 2a	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DA</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing</li> </ul>	ATE OF THIS COMMUNICATIO 16(a). In no event, however, may a reply be ti- rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).			
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Application/Control Number: 10/519,084

Art Unit: 2822

## **DETAILED ACTION**

## Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s)1-12,20, drawn to semiconductor device stacked gate.

Group II, claim(s) 13-19, drawn to method of manufacturing semiconductor device.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: technical feature wherein "a gate insulating film" has "a structure in which nitrogen is introduced in to a metal silicate." this technical feature is well-know and can't be a special technical feature as mentioned in the background art of the description.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tsz K. Chiu whose telephone number is 517-272-8656.

The examiner can normally be reached on 0800 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra V. Smith can be reached on 571-272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TC January 7, 2007

Zandra V. Smith
Supervisory Patent Examiner

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